



PTO/SB/21 (02-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/000,262	
	Filing Date	November 28, 2001	
	First Named Inventor	Bezek	
	Art Unit	1761	
	Examiner Name	Becker, Drew E.	
Total Number of Pages in This Submission	20	Attorney Docket Number	CFLAY.00075

ENCLOSURES (Check all that apply)		
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<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Response to Office Action Mailed on May 25, 2004	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Vincent J. Allen
Signature	
Date	August 25, 2004

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Date	August 25, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Edward Anthony Bezek,	§	GROUP ART UNIT: 1761
Patrick Joseph Bierschenk,	§	
and John Joseph Michels	§	
	§	
FILED: November 28, 2001	§	EXAMINER: Becker, Drew E.
	§	
INVENTION: Consumables Container With	§	
Multi-Functional Cap	§	
	§	
SERIAL NO.: 10/000,262	§	ATTY FILE: CFLAY.00075

RESPONSE TO OFFICE ACTION MAILED ON MAY 25, 2004

This paper is filed responsive to a non-final Office Action mailed on May 25, 2004 in the above-referenced application. Applicants hereby reply as follows.

No fees are believed to be due at this time. However, the Commissioner is hereby authorized to charge any payments that may be due to Deposit Account No. 50-0392.

REMARKS

CLAIM REJECTIONS--35 U.S.C. § 112

Examiner rejected claim 29 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, Examiner argues that it "is not clear what hand size would be considered "large" and "small."

It is well established that an applicant is afforded a great amount of latitude in formulating his claims in the manner he deems to most adequately define his invention. *In re Duva*, 387 F.2d 402, 156 USPQ 90 (CCPA 1968). An applicant may use either conventional terms in this regard, or he may be his own lexicographer. *In re Castaing*, 429 F.2d 461, 166 USPQ 550 (CCPA 1970). An applicant may leave room open for experimental error by using